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15 *Ultimate Fighting Championship and UFC*

16
17 **UNITED STATES DISTRICT COURT**
18 **DISTRICT OF NEVADA**

19 Cung Le, Nathan Quarry, Jon Fitch, Brandon
20 Vera, Luis Javier Vazquez, and Kyle
21 Kingsbury, on behalf of themselves and all
others similarly situated,

22 Plaintiffs,

23 v.

24 Zuffa, LLC, d/b/a Ultimate Fighting
25 Championship and UFC,

26 Defendant.
27
28

Case No.: 2:15-cv-01045-RFB-BNW

**DECLARATION OF BRENT K.
NAKAMURA IN SUPPORT OF
DEFENDANT ZUFFA, LLC'S
OBJECTION TO PLAINTIFFS'
OBJECTIONS TO DEFENDANT ZUFFA,
LLC'S PROPOSAL TO INTRODUCE
CERTAIN PURPORTED "SUMMARY
EXHIBITS" AT THE HEARING
CONCERNING PLAINTIFFS' MOTION
FOR CLASS CERTIFICATION**

1 I, Brent K. Nakamura, declare as follows:

2 1. I am a member in good standing of the bars of the District of Columbia and the State
3 of California. I am admitted *pro hac vice* to practice before this Court. I am an Associate in the law
4 firm Boies Schiller Flexner LLP (“BSF”) and counsel for Zuffa, LLC (“Zuffa”) in the above-
5 captioned action in the U.S. District Court for the District of Nevada, *Le et al. v. Zuffa, LLC*, No.
6 2:15-cv-01045-RFP-BNW.

7 2. I make this declaration in support of Defendant Zuffa, LLC’s Opposition to
8 Plaintiffs’ Objections to Defendant Zuffa, LLC’s Proposal to Introduce Certain Purported
9 “Summary Exhibits” at the Hearing Concerning Plaintiffs’ Motion for Class Certification. Based on
10 my personal experience, knowledge, and review of the files, records, and communications in this
11 case, I have personal knowledge of the facts set forth in this Declaration and, if called to testify,
12 could and would testify competently to those facts under oath.

13 3. For ease of reference, in referring to each of the summary exhibits to which Plaintiffs
14 have objected, I use the designations Plaintiffs used in their Objections brief. For example, for
15 Zuffa Summary Exhibit 1, I use the name “SE1” and for Exhibit 87 to Zuffa’s Opposition to Class
16 Certification, I use “COE87.” Exhibit 4 to the concurrently filed Declaration of Dr. Joshua Lustig
17 contains a full list of the names (and exhibit list numbers) I use in the “Zuffa Summary Ex.”
18 Column.

19 4. In April, 2018, Zuffa submitted COE87, COE88, and COE89 in support of its
20 Opposition to Class Certification, ECF No. 540. On April 13, 2018, Zuffa provided back-up
21 materials for these exhibits to Plaintiffs that included Stata .do files that allowed Plaintiffs to
22 examine each and every step in creating the summary exhibits and permitted Plaintiffs, if they
23 chose, to replicate the exhibits in their entirety. Plaintiffs have not previously challenged the
24 mathematic accuracy of or moved to strike these exhibits and exhibit COE92. All of these
25 summary exhibits were prepared at my direction.

26 5. In July, 2018, Zuffa submitted SJE87, SJE96, SJE97, SJE98, and SJE99 in support
27 of its Motion for Summary Judgment, ECF Nos. 573-575. Plaintiffs have not previously challenged
28

1 the mathematic accuracy of or moved to strike these exhibits. On information and belief, I am
2 aware that counsel for Zuffa directed the preparation of these exhibits.

3 6. Exhibits 7 and 8 to this Declaration are true and correct copies of emails counsel for
4 Plaintiffs sent Zuffa on April 13, 2018 with the cellular telephone number of counsel and a
5 password redacted and a redbox added for emphasis providing Plaintiffs with backup materials for
6 COE87, COE88, and COE89. These backup materials included detailed Stata .do files that
7 Plaintiffs could use to examine each step in the creation of the exhibits and replicate the exhibits in
8 their entirety if they wanted to do so.

9 7. Exhibit 9 to this Declaration is a true and correct copy of an email exchange between
10 Patrick Madden and myself, dated June 21, 2019, with a mobile phone number and link to an FTP
11 redacted in which counsel for Zuffa provided Mr. Madden with the same back-up materials for
12 COE87, COE88, and COE89 that Zuffa previously provided on April 13, 2018.

13 8. Exhibit 10 to this Declaration is a true and correct copy of excerpts of the deposition
14 of Professor Robert Topel, taken on December 6, 2017 with redboxes added for emphasis.

15 9. On May 30, 2019, I provided Plaintiffs with access to the backup materials,
16 including .do Stata files, used to create all of the summary exhibits that were prepared for the
17 evidentiary hearing.

18 10. COE92 is an accurate summary of the voluminous information cited in the exhibit,
19 which would be difficult and inconvenient for the Court or a finder of fact to evaluate without the
20 summary because it summarizes a large number of athlete contracts.

21 11. Page 1 of SJE126 is an accurate summary of the voluminous information beginning
22 on page 2 (and continuing for 34 more pages). The 35 pages of publicly available information,
23 which underlie page 1 of SJE126, would be difficult and inconvenient for the Court or a finder of
24 fact to evaluate without the summary on page 1.

25 12. SE11 is an accurate summary of the voluminous information cited in the exhibit,
26 which would be difficult and inconvenient for the Court or a finder of fact to evaluate without the
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1 summary because the information being summarized or excerpted is from many Zuffa-produced
2 financial documents that contain many cells, entries, and other information across many pages.

3 13. All of the summary exhibits prepared for the evidentiary hearing were prepared at
4 my direction.

5 14. Plaintiffs have had the opportunity to examine each of Zuffa summary exhibits
6 SJE87, SJE96, SJE97, SJE98, SJE99, SJE114, SJE124, SJE128, and SJE131. Plaintiffs have not
7 previously challenged the mathematic accuracy of or moved to strike these exhibits. On
8 information and belief, I am aware that counsel for Zuffa directed the preparation of these exhibits.
9

10 I declare under penalty of perjury under the laws of the United States of America that the
11 foregoing facts are true and correct. Executed this 28th day of June, 2019 in Oakland, California.
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13 /s/ Brent K. Nakamura

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